NOTES OF CASES.

Suicide No Defense to Action on Insurance Policy.—The Validity of the Missouri Statute (Rev. St., 1879, § 5982), which excludes suicide as a defense in suits on life insurance policies unless such suicide was contemplated at the time application was made for the policy, is upheld by the United States Court in Whitfield *v.* Hadley, 27 Supreme Court Reporter, 578, 205 U. S. 489, 51 L. Ed. 895. It was suggested that the statute "merely encourages suicide, and offers a bounty therefor, payable, not out of the public funds of the state, but out of the funds of the insurance company." But the court says that an insurance company is not bound to make a contract which is attended by the results indicated by the statute. If it does business at all in the state, it must do so subject to such valid regulations as the state may choose to adopt.

The enactment of a similar statute in this state is urged at the present session of the legislature.

Toll Bridges.—A toll bridge company authorized to maintain a bridge and to collect tolls for the passage of certain vehicles, automobiles not being mentioned in the charter, is not authorized to collect toll for the passage of automobiles according to the recent decision of the Trial Term of the New York Supreme Court in Mallory *v.* Saratoga Lake Bridge Company, 104 New York Supplement, 1025. The fact that automobiles were not known at the time of the enactment of the charter the court considers to make no difference.

Master's Liability for Servant's Torts.—In Shay *v.* American Iron & Steel Manufacturing Company, 67 Atlantic Reporter, 54, the Pennsylvania Supreme Court holds that a corporation is not liable for damages to a house and injuries to the owner by the negligent shooting by the men employed to take the place of strikers, where the shooting was directed from defendant's premises against a mob, and was not authorized by defendant, and not within the scope of the employment of the persons doing it. The decision is based on the theory that a master is only liable for injuries resulting from the willful conduct of his servants if inflicted within the scope of his authority or employment

Patent Medicine Monopoly.—In yohn D. Park & Sons Company *v.* Hartman, 153 Federal Reporter, 24, the United States Circuit Court of Appeals for the Sixth Circuit holds that a manufacturer of a proprietary medicine is not made immune from the common law forbidding monopolies and unreasonable restraints in trade by the fact that the medicine is manufactured after a secret or private formula, and hence

such manufacturer cannot by contract bind purchasers of its medicines to resell them only at a designated price, so as to prevent third persons from purchasing such medicines and selling them at any price they may choose.

Liability for Tort of Street Car Conductor.—If the conductor of a street car, while engaged in the prosecution and within the scope of his business in collecting fares, fails and refuses to give a passenger correct change, and upon request therefor draws a pistol and fires at the passenger, but the ball misses the passenger and strikes a woman passing on the public street through which the car is running, causing her death, the street car company is liable, according to the decision of the Georgia Supreme Court in Savannah Electric Company *v.* Wheeler, 58 Southeastern Reporter, 38.

Fraud in Sales.—Where a purchaser is induced to enter into a contract of purchase by a fraudulent representation that a combination or trust is about to be formed for the purpose of controlling the sale of articles of the nature of those purchased, and that such trust will increase the price of such articles after a given time, this is sufficient to prevent a recovery for the purchaser's refusal to take the article contracted for, according to the decision of the Pennsylvania Supreme Court in Standard Interlock Company *v.* Wilson, 67 Atlantic Reporter, 463.

Extradition.—Though it is generally held that a person extradited for one offense cannot be tried for another offense committed prior to his extradition, unless he be given time to return to the country from which he was extradited, the Supreme Court of California in Ex parte Collins, 90 Pacific Reporter, 827, holds that this rule does not apply with reference to a crime committed by a person after his extradition. For such crime he may be tried without being given an opportunity to return to the country from which he was extradited.

Carbon Copy as Original Evidence.—The decision of the Pennsylvania Supreme Court in Cole *v.* Elwood Power Company, 65 Atlantic Reporter, 678, that a complete carbon copy of a writing is admissible in evidence without notice to produce the original, was noticed some time ago in these columns. The doctrine announced in this case now receives further support in the decision by the Supreme Court of Minnesota in the case of International Harvester Company *v.* Elfstrom, 112 Northwestern Reporter, 252.

Use of Highways.—The Alabama Supreme Court in Kennamer *v.* State, 43 Southern Reporter, 482, holds that an act requiring persons hauling logs over the public roads to secure license is not vulnerable on the ground that it is class legislation.